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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,780	12/11/2003	Jonathan M. Liss	1065	8183

80635 7590 10/02/2008

TCM/GTPP
55 South Commercial Street
Manchester, NH 03101

EXAMINER	
ZHEN, LI B	
ART UNIT	PAPER NUMBER
2194	
MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/733,780	LISS ET AL.	
	Examiner	Art Unit	
	LI B. ZHEN	2194	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 July 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3,5,7-11,13,15-19,21,23-27,29,31-35,37,39 and 40* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3,5,7-11,13,15-19,21,23-27,29,31-35,37,39 and 40* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-3, 5, 7-11, 13, 15-19, 21, 23-27, 29, 31-35, 37,39, and 40 are pending in the application.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/10/2008 has been entered.

Response to Arguments

3. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. **Claims 1-3, 5, 7-11, 13, 15-19, 21, 23-27, 29, 31 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,006,016 to Faigon et al. [hereinafter Faigon, previously cited] in view of U.S. Patent No. 6,513,129 to Tentij et al. [hereinafter Tentij].**

6. As to claim 1, Faigon discloses the invention substantially as claimed including a method of managing an event toggling between first and second event states in a network management system, said method comprising:

determining if said event maintains one of said first and second states for a predetermined amount of time [An "event threshold" time period is maintained for generated traps; col. 11, line 56 – col. 12, line 3]; and

reporting said event as having one of said first and second states ["Toggling rules" allow for reporting traps that have been set off by switching from one state to another; col. 11, lines 18-30, line 56 – col. 12, line 3];

wherein said reporting said event as having said one of said first and second states comprises reporting said event as achieving said one of said first and second states at the actual time of occurrence of a last state change of said event [The "time" field of the "raw trap record" reports the time the trap occurred; col. 11, lines 18-30; line 56 – col. 12, line 3; and Fig. 9, item 902]. Faigon does not specifically teach reporting the event as having one of a first and second state only after the one of the first and second states is maintained for the predetermined amount of time.

However, Tentij teaches reporting the event [list of network components that should be put into the alarm state if the escalation condition remains valid after the wait period; col. 16, lines 27 – 39] as having one of a first and second state only after the one of the first and second states is maintained for the predetermined amount of time [wait period; col. 16, lines 6 – 67 and col. 18, lines 46 – 50].

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Faigon to incorporate the features of Tentij. One of ordinary skill in the art would have been motivated to make the combination because this provides inter-operability between different components, systems, and networks within the managed network, regardless of their particular configurations and protocols [col. 2, lines 35 – 60 of Tentij].

7. As to claim 2, Faigon teaches said event is an alarm [traps; col. 11, lines 18-30, line 56 – col. 12, line 3].

8. As to claim 3, Faigon teaches said first state is an alarm set state, and said second state is an alarm clear state [The alarm state is whatever is not the norm for the device issuing the trap; col. 11, lines 18-30, line 56 – col. 12, line 3].

9. As to claim 5, Faigon teaches reporting a number of times said event toggled between said first and second states [The number of occurrences is recorded in the "trap record", Fig. 9, item 905; col. 11, line 55 – col. 12, line 3].

10. As to claim 7, Faigon teaches reporting said event as being in a toggling condition [col. 11, lines 5-30].

11. As to claim 8, Faigon teaches reporting said event as not being in a toggling condition [col. 11, lines 5-30].

12. As to claims 9-11, 13, 15 and 16; claims 17-19, 21, 23 and 24; and claims 25-27, 29, 31, and 32, being directed to a method, machine readable medium, and system having substantially the same limitations as claims 1-3, 5, 7, and 8, respectively; these claims are rejected for the same reasoning as applied to claims 1-3, 5, 7, and 8 above.

13. **Claims 33-35, 37, 39, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Faigon and Tentij further in view of U.S. Patent No. 6,414,595 to Scrandis et al. [hereinafter Scrandis, previously cited].**

14. As to claim 33, Faigon as modified teaches an optical communication system comprising:

a network management system coupled to the optical communication system for receiving said report of said event, said network management system comprising a machine-readable medium whose contents cause said network management system to perform a method of managing an event toggling between first and second event states,

the method comprising [The network management system "NMS" meets this claim limitation; Fig. 3, item 320 of Faigon]:

determining if said event maintains one of a first and a second state for a predetermined amount of time [An "event threshold" time period is maintained for generated traps; col. 11, line 56 – col. 12, line 3 of Faigon]; and

reporting ["Toggling rules" allow for reporting traps that have been set off by switching from one state to another; col. 11, lines 18-30, line 56 – col. 12, line 3 of Faigon] said event [list of network components that should be put into the alarm state if the escalation condition remains valid after the wait period; col. 16, lines 27 – 39 of Tentij] as having one of said first and second states after said one of said first and second states is maintained for said predetermined amount of time [wait period; col. 16, lines 6 – 67 and col. 18, lines 46 – 50 of Tentij],

wherein said reporting said event as having said one of said first and second states comprises reporting said event as achieving said one of said first and second states at the actual time of occurrence of a last state change of said event [The "time" field of the "raw trap record" reports the time the trap occurred; col. 11, lines 18-30; line 56 – col. 12, line 3; and Fig. 9, item 902 of Faigon].

Faigon and Tentij do not explicitly teach wherein at least one transmitter for transmitting an optical signal to a receiver through an optical information channel, at least one of said transmitter, said receiver and said optical information channel comprising at least one apparatus for reporting an event.
Scrandis teaches the above limitation [col. 1, line 55 – col. 2, line 63].

It would have been obvious to one of ordinary skill in the art at the time of invention to further modify the teachings of Faigon and Tentij to incorporate the teachings of Scrandis. One would have been motivated by the fact that both references focus on the use of Network Management Systems to manage alarms within a network. Further, Faigon's disclosure is disclosed to be used with any type of network system in which alarms/traps must be managed [col. 2, lines 40-47], so it is implicit that Faigon's disclosure includes the use of optical networks as described by Scrandis.

15. As to claims 34, 35, 37, 39, and 40, being directed to the same limitations as claims 2, 3, 5, 7 and 8, respectively; these claims are rejected for the same reasoning as claims 2, 3, 5, 7 and 8 above.

CONTACT INFORMATION

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Li B. Zhen whose telephone number is (571) 272-3768. The examiner can normally be reached on Mon - Fri, 8:30am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571)272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Li B. Zhen/
Primary Examiner, Art Unit 2194

Li B. Zhen
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